

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Janine Zajac	Team: Team # 1	CCRB Case #: 200918246	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 11/21/2009 10:15 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 5/21/2011	EO SOL 5/21/2011	
Date/Time CV Reported Sat, 11/21/2009 10:44 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/27/2009 1:27 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Clifford Louis	02793	927098	071 PCT
2. POM Juan Quiroz	09868	939263	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dietrich Williams	08476	937738	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Clifford Louis	Abuse: Sgt. Clifford Louis authorized the stop of § 87(2)(b) and § 87(2)(b)	
B.POM Juan Quiroz	Force: PO Juan Quiroz pointed his gun at § 87(2)(b) and § 87(2)(b)	
C.SGT Clifford Louis	Abuse: Sgt. Clifford Louis authorized the frisk of § 87(2)(b) and § 87(2)(b)	
D.SGT Clifford Louis	Abuse: Sgt. Clifford Louis authorized the search of § 87(2)(b) and § 87(2)(b)	

### Case Summary

At 10:44 PM on November 21, 2009, § 87(2)(b) filled a complaint with IAB on behalf of her nephews, § 87(2)(b) and § 87(2)(b) by calling 911, which generated log #09-59370 (encl. 9a-b). Their mother, § 87(2)(b) filed a complaint the next day by calling the CCRB and leaving a message on the Call Processing System. Neither § 87(2)(b) nor § 87(2)(b) was present for the incident about which they filed a complaint.

At approximately 10:15 pm on November 21, 2009, § 87(2)(b) and § 87(2)(b) were approached by PO Juan Quiroz of the 71<sup>st</sup> Precinct while they were walking home by themselves. Sgt. Clifford Louis and PO Dietrich Williams, both of the 71<sup>st</sup> Precinct, eventually became involved as well. The following allegations resulted from their interaction.

- **Allegation A – Abuse of Authority:** Sgt. Clifford Louis authorized the stop of § 87(2)(b) and § 87(2)(b)
- **Allegation C – Abuse of Authority:** Sgt. Clifford Louis authorized the frisk of § 87(2)(b) and § 87(2)(b)
- **Allegation D – Abuse of Authority:** Sgt. Clifford Louis authorized the search of § 87(2)(b) and § 87(2)(b) § 87(2)(b), § 87(2)(g)
- **Allegation B – Force:** PO Juan Quiroz pointed his gun at § 87(2)(b) and § 87(2)(b) § 87(2)(g)

### Results of Investigation

#### Civilian Statements

- **Victim:** § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on December 4, 2009 (encl. 11a-i). At approximately 10:15 PM on November 21, 2009, § 87(2)(b) was walking home from a family gathering with his brother, § 87(2)(b). They had been there for approximately three hours. This gathering had taken place one block away on Montgomery Street, and they were walking on Dearborn Court toward their building. He was wearing a black zip-up sweatshirt with white designs on the front of it, blue jeans, and black shoes. His clothes were not baggy but not tight. He had his black backpack on his back, and inside the backpack were his Playstation videogame and games for it, and his MP3 player. § 87(2)(b) had his cell phone in his front right pants pocket and his keys were in his front left pocket. He also had five dollars in one of these pockets, but he did not have anything in his rear pants pockets. His brother, § 87(2)(b) is an § 87(2)(b)-year-old male and was wearing a black sweater, and he did not have anything else with him.

Once they reached the middle of the block of Dearborn Court between Montgomery Street and Crown Street, § 87(2)(b) noticed a black four-door car following them slowly. The car followed them for approximately two minutes. There were three people inside of the car. The car stopped, and the driver, identified through investigation as PO Juan Quiroz, got out of the car and

began to walk toward § 87(2)(b) and his brother. The car was approximately ten feet away from them. § 87(2)(b) described PO Quiroz as a Hispanic male, approximately thirty-five-years-old, 5'11", with an average build. He was wearing a black jacket and blue jeans. PO Quiroz did not say anything when he exited the car.

When he saw the driver get out, § 87(2)(b) got scared and ran home because he thought that the men in the car were going to rob him. He reached his building and opened the front door, which led into a small lobby, which he estimated was a little bigger than the CCRB interview room, which is approximately eight feet by ten feet. This front door was unlocked, but the second door, which led further into the building, was locked. As he began to open the second door, PO Quiroz caught up to him, entered the small lobby and said, "Get down!" § 87(2)(b) got on the ground and lay on his stomach immediately. He covered his face with his arms, and while he was on the ground he looked over his right shoulder and saw that PO Quiroz had a silver gun pointed at him. § 87(2)(b) could not clearly say how far PO Quiroz was from him, but said he could have reached out and touched him. § 87(2)(b) arrived after PO Quiroz and entered the lobby, and PO Quiroz told him to get on the ground also. § 87(2)(b) was unable to clearly say how far away § 87(2)(b) was at this point, but said that from his position in the interview room, his brother would have been out in the hallway, which was approximately ten feet away. He could not see § 87(2)(b) at this point.

While he was one the ground, PO Quiroz reached into § 87(2)(b)'s pants pockets but did not take anything out. One of the pockets was open, so PO Quiroz was able to reach it. PO Quiroz moved § 87(2)(b) a little bit in order to reach into his other pants pocket. There was no conversation while PO Quiroz reached into his pockets. He was still on the ground when the other two officers arrived, but he did not know exactly when they got there. An officer, identified through investigation as Sgt. Clifford Louis spoke to § 87(2)(b) inside of the same lobby and asked him why § 87(2)(b) had run. § 87(2)(b) told him that he was scared and did not know they were officers. Sgt. Louis was a black male, wearing a black jacket and blue jeans, with a muscular build, approximately 40 years old. § 87(2)(b) did not see his hair. The third officer, identified through investigation as PO Dietrich Williams was outside looking to see if he had dropped anything. PO Quiroz told § 87(2)(b) to get up and get against wall. When he got up from the ground, PO Williams came inside and PO Quiroz went outside. While § 87(2)(b) was against the wall, § 87(2)(b) and Sgt. Louis were to his left. Sgt. Louis then approached § 87(2)(b) and frisked him by patting his pants pockets. § 87(2)(b) heard Sgt. Louis unzip his backpack, which was still on his back, but could not see exactly what he was doing because he was behind him. He did not know if he took anything out of it. He was up against the wall for approximately two minutes, and he did not see when his brother stood up. He did not see any of the officers touch his brother. Sgt. Louis told him that he could turn around and then asked him questions about where he goes to school, where he lives, and if he had ID. Sgt. Louis told § 87(2)(b) at this point that he was a police officer and that he "wasn't the bad guys," and he told him not to run next time. The officers all left and did not say anything else.

§ 87(2)(b) did not talk to PO Williams and did not see his brother talk to him. No more officers ever came to the scene. PO Williams was a black male, 6'0", black jacket, approximately 35 years old, skinny build. He did not see his hair. § 87(2)(b) viewed two photo array and recognized PO Quiroz as the officer who pointed his gun at him, and recognized Sgt. Louis as the officer who told him not to run next time.

**Victim:** § 87(2)(b)

- § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on January 12, 2010 (encl. 12a-e). His statement is consistent with § 87(2)(b)'s with the following exceptions and new information. § 87(2)(b) was wearing a black zip-up hoodie with white writing on the front of it, jeans with shorts underneath, and a blue baseball hat.

A few steps after turning left onto Crown Street, § 87(2)(b) got scared and ran to their apartment building prior to the unmarked car stopping. The driver of the car, PO Quiroz, exited the car and ran after him. § 87(2)(b) described him as a Hispanic or Indian male, 5'8", in his 30s, with an average build and black spiky hair. He was dressed in all black and had a black goatee.

§ 87(2)(b) began to walk faster when he saw his brother being chased but he did not run. He did not see what the other two occupants of the car did when the driver got out. § 87(2)(b) entered the front vestibule of his building and said, "Put the gun away," to PO Quiroz. PO Quiroz turned around to face § 87(2)(b) and he saw that PO Quiroz had a shield around his neck. § 87(2)(b) told his brother to relax and get down, and § 87(2)(b) got down on the floor face first as well. Once § 87(2)(b) was on the floor, PO Quiroz put his gun away.

Two other officers arrived on the scene. One of the officers, identified through investigation as PO Williams, entered the building immediately while § 87(2)(b) was on the floor. PO Williams reached into § 87(2)(b)'s back pants pockets and then asked him to roll over to each side so he could reach into his front pants pockets. § 87(2)(b) had his phone and his MP3 player, one in each of his front pockets, which PO Williams removed and put over to the side. PO Williams was a black male in his mid-30s with an average build. He was wearing dark blue pants and a dark blue shirt and a hoodie. He had short black hair. § 87(2)(b) was lying parallel to § 87(2)(b) approximately ten feet away, so he was able to see what was happening with him. While PO Williams reached into § 87(2)(b)'s pockets, PO Quiroz unzipped § 87(2)(b)'s backpack, which was still on his back, and also reached into his pants and hoodie pockets. § 87(2)(b) did not see PO Quiroz remove anything from § 87(2)(b)'s pockets. PO Quiroz reached into § 87(2)(b)'s backpack and removed his PSP videogame and MP3 player and then put them back in. There were books in the bag but he did not remove them.

§ 87(2)(b) was on the ground for approximately ten minutes. PO Williams had him stand up against the wall in order to frisk him. PO Williams patted him down from top to bottom, on his front and his back. While he was patting him down, PO Williams asked § 87(2)(b) if he had any ID, and § 87(2)(b) said that he did not. PO Williams told him he is supposed to have ID all of the time, but § 87(2)(b) explained that he did not have it because he was only going to his grandmother's house. He knew that § 87(2)(b) did not have ID at the time, but he did not know if the officers asked him for it. The third officer, identified through investigation as Sgt. Louis remained outside to see if § 87(2)(b) had dropped anything as he ran. He eventually came in and told PO Williams to double check to see if he missed anything outside.

Sgt. Louis approached § 87(2)(b) who was still on the ground, and asked him why he was scared. § 87(2)(b) answered for him and explained that he did not know who the officers were at first and thought that they were going to be robbed. PO Quiroz had previously asked § 87(2)(b) why he was scared. Sgt. Louis was a black male, 5'7", in his 30s, with a pudgier build than the other officers. He was wearing a black t-shirt, a grey hoodie, and jeans. PO Williams came back in from outside and did not find anything. He approached § 87(2)(b) and asked him for his name, his address, and how tall he was, and then asked § 87(2)(b) the same questions. He then wrote this information down on a notepad. Sgt. Louis told § 87(2)(b) that even though he had valuable things in his backpack, he did not have to run because they were the police. The entire incident lasted twenty to twenty-five minutes. § 87(2)(b) noted that he cut his finger when he was opening the first door. Their family called an ambulance for § 87(2)(b) later in the night because he was having trouble breathing after the incident.

## **NYPD Statements:**

### **Subject Officer: PO JUAN QUIROZ**

- § 87(2)(b)
- *On the date of the incident he worked from 7:30 pm until 4:05 am with Sgt. Louis and PO Williams. He was assigned to anti-crime and he was assigned to a black unmarked car. He was dressed in plainclothes.*

### **Stop, Question, and Frisk Reports**

PO Quiroz prepared handwritten Stop, Question, and Frisk reports for § 87(2)(b) and § 87(2)(b) (encl. 14a-b). Both reports indicate that they were suspected of criminal possession of a weapon. The circumstances that led to the stop were actions indicative of “casing” a victim or location, actions indicative of acting as a lookout, furtive movements, actions indicative of engaging in a violent crime, and wearing clothes/disguises commonly used in the commission of a crime. On § 87(2)(b) report it says that the suspect was on the ground and PO Quiroz’s firearm was drawn, and on § 87(2)(b) s report it says that the suspect was on the ground and PO Quiroz pointed his firearm at him. Both reports indicate that they were frisked and searched. § 87(2)(b) s report notes that he had a suspicious bulge in the front of his waistband. § 87(2)(b) s report indicates he had a suspicious bulge in his front right pocket. Additional circumstances noted on the reports are that the area has a high incidence of reported offense of type under investigation, and the time of day, day of week, season corresponding to reports of criminal activity. PO Quiroz also noted that § 87(2)(b) was “running away from PO holding waistband, refusing to stop and running inside the building.” He noted that § 87(2)(b) “was with another male who at the time ran from PO after PO identified himself.”

### **Memo Book**

PO Quiroz had the following entry in his memo book regarding this incident (encl. 15a). At 10:30 PM he wrote, “2 male stop lobby of § 87(2)(b) at gunpoint. § 87(2)(b) DOB § 87(2)(b) Brooklyn. § 87(2)(b) DOB § 87(2)(b) Brooklyn.”

### **CCRB Testimony**

PO Quiroz was interviewed at the CCRB on February 10, 2010. On November 21, 2009 (encl. 16a-c). PO Quiroz observed § 87(2)(b) and § 87(2)(b) walking together on Dearborn Court toward Crown Street. PO Quiroz, Sgt. Louis, and PO Williams were in their unmarked black four-door sedan, and PO Quiroz was the driver. They were in the area because of a gang-related robbery and a gang-related shooting that had occurred the same day. PO Quiroz saw the two individuals walking in the street close to parked cars. They looked into the windows of two cars. They were one car length away, and he watched them for less than a block. He told his supervisor, Sgt. Louis, who was in the backseat, that he wanted to talk to these two individuals, and Sgt. Louis said, “Sure.” The car was parked so that the driver’s side door was closest to the street. PO Quiroz got out of the car with his shield in his hand and said, “Police, how you guys doing? Can I speak to you for a minute?” He was approximately ten feet from the two individuals. The older brother, § 87(2)(b) stopped, but § 87(2)(b) began to walk away quickly. § 87(2)(b) was wearing dark clothing, and a jacket. PO Quiroz could not recall any other specifics about § 87(2)(b) s clothes, and could not recall what § 87(2)(b) was wearing. PO Quiroz said, “Police, stop,” two more times. As § 87(2)(b) walked away he held onto the front of the waistband of his pants with

both hands. As he walked he looked back at PO Quiroz. § 87(2)(b) told § 87(2)(b) “Why are you running? It’s the police.” § 87(2)(b) did not respond to his brother and kept walking. He did not suspect that § 87(2)(b) and § 87(2)(b) were connected with the robbery or shooting he mentioned.

At this point, PO Williams had exited the car from the front passenger seat. Sgt. Louis was still in the car. PO Quiroz told PO Williams, “Get back in the car, he’s gonna run.” When PO Quiroz turned his attention back to § 87(2)(b) he was running. PO Quiroz chased after him, and PO Williams got into the driver’s seat. § 87(2)(b) made a left turn and entered § 87(2)(b). The first door of the building was not locked, and PO Quiroz followed § 87(2)(b) into the vestibule of the building. § 87(2)(b) was attempting to open a second door in order to further enter the building. The second door was 15-20 feet from the first door. § 87(2)(b)’s back was to PO Quiroz as he attempted to open the door, and he looked over his shoulder at him. He was still holding his waistband, which suggested that he could be carrying a weapon. PO Quiroz removed his gun and pointed it at § 87(2)(b) and said, “Get down on the ground, show me your hands.” § 87(2)(b) put his hands up in the air and got onto the ground. § 87(2)(b) entered the building a couple of seconds later, and was behind PO Quiroz. PO Quiroz turned around so that his gun was pointed at § 87(2)(b) and instructed him to get on the ground as well, which he did for his own safety. § 87(2)(b) put his hands up, got on his knees, and asked § 87(2)(b) again why he had run from the police.

PO Williams entered the building a couple of seconds after and approached § 87(2)(b). Sgt. Louis entered and picked § 87(2)(b) up from the floor. When Sgt. Louis entered, PO Quiroz put his gun away. PO Quiroz could not recall if Sgt. Louis frisked § 87(2)(b) at all while he was on the ground. Sgt. Louis held § 87(2)(b) by his arm while PO Quiroz frisked him. He frisked his waistband because he had held his waistband when he ran. PO Quiroz also frisked § 87(2)(b)’s sides and back and the pockets of his pants. PO Quiroz discovered a hard, rectangular object tucked into the front of § 87(2)(b)’s waistband which he discovered was a cell phone when he removed it from § 87(2)(b)’s waistband. This object was discovered during the frisk and was not visible prior to the frisk. No other objects were found on § 87(2)(b) during the frisk. He said that he did not reach into § 87(2)(b)’s pockets.

PO Quiroz initially said that he frisked § 87(2)(b) after he frisked § 87(2)(b) and then said that PO Williams frisked § 87(2)(b) while he interacted with § 87(2)(b). After he finished frisking § 87(2)(b) PO Quiroz went up to § 87(2)(b) and they further discussed the fact that § 87(2)(b) had run. PO Williams was done frisking § 87(2)(b) by this point. The investigator presented copies of the handwritten Stop, Question, and Frisk reports prepared for this incident, and PO Quiroz confirmed that he had filled them out. He confirmed that both reports show that the individuals were searched. For § 87(2)(b) this was in reference to the hard object he felt at his waistband. After seeing the handwritten Stop, Question, and Frisk Report for § 87(2)(b) PO Quiroz said that he frisked § 87(2)(b) and felt a hard object on his person as well, so he searched him, too, but he could not recall if it was a cell phone. He did not recover anything from § 87(2)(b). He could not recall if there was anything that led him to believe that § 87(2)(b) was armed. PO Quiroz frisked § 87(2)(b) because § 87(2)(b) ran after him and entered the building behind him. PO Quiroz recalled searching § 87(2)(b) but did not recall where he was searched. PO Williams held § 87(2)(b) by his arm while PO Quiroz frisked and searched him. PO Quiroz could not recall if Sgt. Louis or PO Williams searched or frisked either § 87(2)(b) or § 87(2)(b).

At some point toward the end of the incident, § 87(2)(b) said that he thought they were going to rob him and that was why he ran. PO Quiroz could not recall if § 87(2)(b) and § 87(2)(b) had IDs at the time. PO Quiroz could not recall if either § 87(2)(b) or § 87(2)(b) had a backpack with them during this incident. He did not recall unzipping or search a backpack or seeing any other officer do so. PO Quiroz did not recall if he questioned § 87(2)(b) or § 87(2)(b) about looking into the cars.

**Subject Officer: SGT CLIFFORD LOUIS**

- § 87(2)(b)
- *On the date of the incident he worked from 7:30 pm until 4:14 am with PO Quiroz and PO Williams. He was assigned to anti-crime and he was assigned to a black unmarked Impala. He was dressed in plainclothes.*

**Memo Book**

Sgt. Louis did not have memo book entries pertaining to this incident (encl. 17a-b).

**CCRB Testimony**

Sgt. Louis was interviewed at the CCRB on February 10, 2010 (encl. 18a-b). His statement was consistent with PO Quiroz's with the following exceptions and new information. PO Quiroz said, "Take a look at this kid right here, I'm going to stop him," and Sgt. Louis did not say anything in response to him. PO Quiroz got out of the car and said, "Police, stop," and § 87(2)(b) continued to walk away quickly toward § 87(2)(b). PO Quiroz said again, "Police, I'm telling you to stop," and § 87(2)(b) said, "It's the police, why are you running?"

PO Williams stopped the car near § 87(2)(b) which was approximately half of a block from where PO Quiroz had initially stopped the brothers. Sgt. Louis and PO Williams entered § 87(2)(b) together and saw that PO Quiroz had both § 87(2)(b) and § 87(2)(b) on all fours on the ground. PO Quiroz's gun was drawn when Sgt. Louis entered but it was not pointed. Sgt. Louis assisted § 87(2)(b) to his feet, and when he did so he saw a bulge in the front § 87(2)(b)'s waistband, which turned out to be a handheld videogame. § 87(2)(b) was wearing jeans and a waist-length dark jacket. PO Quiroz frisked him at his waistband and down his legs. § 87(2)(b) was wearing a backpack, which PO Quiroz patted down. Sgt. Louis did not notice any bulges in the backpack, but stated that officers are trained that weapons can be hidden in backpacks. The fact that § 87(2)(b) had run and had a bulge in his waistband raised Sgt. Louis' suspicion. PO Quiroz unzipped the backpack and looked into it but did not reach into it. He did not see PO Quiroz reach into § 87(2)(b)'s pockets.

§ 87(2)(b) was frisked by PO Williams because he was in direct proximity with § 87(2)(b) and had chased after PO Quiroz. Sgt. Louis did not notice any bulges on § 87(2)(b) during the incident, and nothing was recovered from him. This frisk was performed for safety. He did not see PO Williams reach into § 87(2)(b) pockets, and other than the frisk he did not see him be searched in any way. Sgt. Louis told § 87(2)(b) that if he had nothing to hide then he should not have run, and § 87(2)(b) said, "Yeah, I told him not to run." PO Quiroz got both of their information. Sgt. Louis further explained that while the police conduct investigations, they are also there to protect them. The incident ended on comfortable terms. Sgt. Louis did not instruct PO Quiroz or PO Williams to conduct the frisks; they performed them independently of instruction. Sgt. Louis did not participate in either frisk or search.

**Subject Officer: PO DIETRICH WILLIAMS**

- § 87(2)(b)
- *On the date of the incident he worked from 5:30 pm until 2:05 am with Sgt. Louis and PO Quiroz. He was assigned to anti-crime and he was assigned to a black unmarked car. He was dressed in plainclothes.*

**Memo Book**

PO Williams did not have memo book entries pertaining to this incident (encl. 19a-c).

### **CCRB Testimony**

PO Williams was interviewed at the CCRB on February 18, 2010 (encl. 20a-c). His statement was consistent with PO Quiroz's with the following exceptions and new information. PO Williams was the operator of the vehicle on the date of the incident. Nothing about the brothers particularly raised his suspicion, but because there were cars and vans parked on the street he could not clearly see what they were doing. As far as he remembered, they were just walking. The younger brother, § 87(2)(b) was wearing a large, black hooded sweatshirt and a backpack, but PO Williams did not observe any bulges on him. § 87(2)(b) was wearing a blue or grey jacket, jeans, and sneakers. PO Quiroz told PO Williams to stop the car. He did not say why, and there was no conversation among the officers about what PO Quiroz was going to do.

PO Williams stopped the car and parked it. PO Quiroz got out, crossed in front of the car, and said, "Police, stop." PO Williams began to get out of the car as well, but Sgt. Louis told him not to. When PO Quiroz said, "Police, stop," § 87(2)(b) looked back and then continued north and turned onto Crown Street. § 87(2)(b) followed him, and PO Quiroz chased after both of them. Once PO Quiroz chased after § 87(2)(b) and § 87(2)(b) PO Williams followed in the car with Sgt. Louis still in the backseat. After he turned onto Crown Street he drove approximately halfway down the block and saw PO Quiroz inside of § 87(2)(b) but he could not see § 87(2)(b) and § 87(2)(b). Sgt. Louis got out of the car, and PO Williams continued to double park in the street. He made sure the car was secured and then followed after Sgt. Louis.

PO Williams entered the building approximately 30 seconds after Sgt. Louis. When he entered he saw that § 87(2)(b) and § 87(2)(b) were both on the ground, with Sgt. Louis situated close to § 87(2)(b) near the second door into the building. PO Quiroz's gun was drawn but not pointed. PO Williams moved closer to § 87(2)(b) and Sgt. Louis instructed him to frisk him. § 87(2)(b) was lying flat on his stomach, but he could not recall how § 87(2)(b) was positioned. However, their hands were visible. PO Williams did not see any bulges on § 87(2)(b). He frisked his back and had him roll to his left and right side so he could feel the front of his waistband and his legs. While § 87(2)(b) was on his stomach prior the start of the frisk, PO Williams did not observe anything suspicious on his backside. PO Williams felt § 87(2)(b) wallet and keys, but did not feel anything that felt like a weapon or that raised his suspicion. PO Williams did not reach into § 87(2)(b) pockets, but squeezed his jacket pockets when he rolled to each side. PO Williams said that in such a situation he would have frisked § 87(2)(b) even without instructions from his supervisor for their safety. He assumed that Sgt. Louis told him to frisk § 87(2)(b) because none of the other officers had done so yet. He did not reach into § 87(2)(b) pockets.

PO Williams frisked § 87(2)(b) and he did not hear Sgt. Louis instruct PO Quiroz to frisk § 87(2)(b). He heard discussion of § 87(2)(b)'s age and why he ran, and knew that § 87(2)(b) took his hood off at some point, which is when it became clear how young § 87(2)(b) was. Once PO Williams was done frisking § 87(2)(b) he told him to stand up. At this point PO Williams saw Sgt. Louis take § 87(2)(b)'s backpack off of his back, squeeze it, and then hand it to PO Quiroz. The backpack was large and had many compartments, and it had bulges in it. PO Williams did not get a good look at the backpack, though. PO Williams could not recall if PO Quiroz squeezed or frisked the backpack. Neither Sgt. Louis nor PO Quiroz unzipped the backpack or looked inside of it. He could not recall if Sgt. Louis or PO Quiroz reached into § 87(2)(b)'s pockets. PO Williams saw Sgt. Louis frisk § 87(2)(b)'s waist and legs, but did not see PO Quiroz frisk him. He did not see Sgt. Louis or PO Quiroz lift up § 87(2)(b)'s sweatshirt. Other than the bagginess of the sweatshirt, which went past his hips, there was nothing notable about § 87(2)(b)'s person.

PO Williams asked § 87(2)(b) for his ID after he told him to stand up, and when § 87(2)(b) supplied it he handed it to PO Quiroz because Sgt. Louis had said that PO Quiroz was going to fill out the Stop, Question, and Frisk Reports and memo book entries for the incident. He did not



frisk § 87(2)(b) again once he was standing, and he did not move from his position until the officers all left. PO Williams did not know why the handwritten Stop, Question, and Frisk report indicated that § 87(2)(b) was searched. He did not know why the report indicated that there was a hard object in § 87(2)(b) front pants pocket.

After their information was taken, the officers had brief conversation with § 87(2)(b) and § 87(2)(b) and then the officers left. The officers did not discuss going outside to look for objects that § 87(2)(b) or § 87(2)(b) may have dropped, and he did not recall if any of the officers exited the building to look outside. PO Williams did not make physical contact with § 87(2)(b).

## **NYPD Documents**

### **Roll Call**

The roll call for the date of the incident indicates that Sgt. Louis, PO Quiroz, and PO Williams were working together and were assigned to vehicle #894. They were assigned to anti-crime (encl. 21a-b).

### **Status of Civil Proceedings**

- A Notice of Claim with the City of New York has not been filed as of March 15, 2010 with regard to this incident.

§ 87(2)(b), § 87(2)(c) (impair contract awards or CFAA)

### **Civilians CCRB History**

- This is the first CCRB complaint filed by or on behalf of § 87(2)(b) and § 87(2)(b) (encl. 7a-b).

### **Subject Officers CCRB History**

- Sgt. Louis has been a member of the service for nine years and there is one substantiated CCRB allegation against him in CCRB case #200705078 for a retaliatory summons for which he received instructions from the NYPD. He has two other open complaints, #200913501 and 201003316, which are pending investigation(encl. 5a-b).
- PO Quiroz has been a member of the service for four years and there are no substantiated CCRB allegations against him. (encl. 6a).

## **Conclusion**

### **Identification of Subject Officers**

PO Quiroz was identified by the original IAB log, and § 87(2)(b) recognized him in a photo array. He also admitted to interacting with both § 87(2)(b) and § 87(2)(b) on the date of the incident. PO Williams and Sgt. Louis were identified through the original IAB log and also admitted to interacting with § 87(2)(b) and § 87(2)(b). Because Sgt. Louis was the supervisor on scene who was ultimately responsible for the actions that his officers took, the stop and search allegations are being pleaded against him.

**Allegation A – Abuse of Authority – Sgt. Clifford Louis authorized the stop of § 87(2)(b) and § 87(2)(b)**

**Allegation C – Abuse of Authority – Sgt. Clifford Louis authorized the frisk of § 87(2)(b)**  
**§ 87(2)(b) and § 87(2)(b)**

**Allegation D - Abuse of Authority – Sgt. Clifford Louis searched § 87(2)(b) and**  
**§ 87(2)(b)**

By all accounts of this incident, § 87(2)(b) left the scene when he saw PO Quiroz after he was walking near parked cars. PO Quiroz testified that § 87(2)(b) was holding his waistband as he left the scene. PO Quiroz followed him, and § 87(2)(b) followed behind. When § 87(2)(b) attempted to enter the second door into § 87(2)(b) PO Quiroz pointed his gun at him and told him to get down on the ground. When § 87(2)(b) entered the building behind PO Quiroz, the officer pointed his gun at him as well and instructed him to get on the ground, at which point it was clear that neither of the boys was free to leave and were, therefore, effectively stopped.

New York State Criminal Procedural Law 140.50C11 holds that officers must possess reasonable suspicion that a person has committed a crime in order to justify a level III stop. PO Williams stated that § 87(2)(b) and § 87(2)(b) actions by the cars were not visible and that nothing about them raised his suspicion that they committed a crime. PO Quiroz noted on the handwritten Stop, Question, and Frisk Reports (encl. 14a-b) that some factors that led to the stop included “high incidence of reported offense or crime” and “actions indicative of ‘casing,’” which he and Sgt. Louis reiterated in the CCRB statements by testifying that § 87(2)(b) looked into the windows of two cars. § 87(2)(g)

See e.g. *US. v. Arenas*, 37 F. Supp. 2d. 322, 328 (SDNY, 1999) (observing three men walking up and down a street looking into store windows does not amount to reasonable suspicion). § 87(2)(b), § 87(2)(g)

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courts have held frisks to be improper “if an officer frisks a defendant solely because the suspect reaches into a pocket or places his hand in his waist area,” (encl. 3a). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) alleged that, after he was frisked, PO Quiroz reached into his pockets. PO Quiroz affirmed that he did, in fact, search § 87(2)(b) after he felt a hard object on § 87(2)(b)'s waistband during the frisk. Hence, there is no dispute that PO Quiroz searched § 87(2)(b). To justify a search, an officer must possess probable cause. While various factors can provide this basis, an officer cannot continue to search a suspect once a frisk has been conducted and has abated the officer's fear for his safety. Kamins cites a number of cases in which “if an officer feels an object he knows is not a gun or weapon... the officer is not permitted to remove the object,” (encl. 3b). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) also alleged that he was searched. Although none of the officers admitted to searching § 87(2)(b) the handwritten Stop, Question, and Frisk report, which PO Quiroz prepared just after the incident occurred, indicates that § 87(2)(b) was searched. The report indicates that § 87(2)(b) was searched because of a hard object in his front right pants pocket (encl. 14a-b). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

**Allegation B – Force: PO Juan Quiroz pointed his gun at § 87(2)(b) and § 87(2)(b)**

PO Quiroz said that § 87(2)(b) held on to his waistband while he ran away from him. This, combined with the fact that he ran in the first place, led PO Quiroz to suspect that § 87(2)(b) could have been armed. § 87(2)(b), § 87(2)(g)

§ 87(2)(b). In PD v. Gliner (encl. 3a-c), it was determined that an officer was justified in drawing and pointing his firearm “so long as he has a reasonable fear for his own or another’s personal safety.” § 87(2)(b), § 87(2)(g)

Team: \_\_\_\_\_

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date